

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONNIE TITCHENELL.	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	NO. 11-563
	:	
APRIA HEALTHCARE INC.	:	
Defendant.	:	

O R D E R

AND NOW, this 8th day of November, 2011, upon consideration of Plaintiff's Motion for Conditional Certification of Collective Class and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b) (Document No. 19, filed September 2, 2011), Plaintiff's Amended Motion for Conditional Certification of Collective Class and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b) (Document No. 20, filed October 6, 2011), and Defendant's Response in Opposition to Plaintiff's Amended Motion for Conditional Certification of Collective Class and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b) (Document No. 22, filed October 27, 2011), **IT IS ORDERED** as follows:

1. Plaintiff's Motion for Conditional Certification of Collective Class and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b) is **DENIED AS MOOT**; and
2. Plaintiff's Amended Motion for Conditional Certification of Collective Class and to Facilitate Notice Pursuant to 29 U.S.C. § 216(b) is **GRANTED** as to the proposed class of "All non-exempt Customer Service Specialists employed by Apria who have worked and/or are still working in any branch office of Apria anywhere in the United States during the liability period and who have not been paid overtime by Apria for work in excess of forty hours per week."

IT IS FURTHER ORDERED as follows:

3. Within five (5) days of the issuance of this Order, the parties, through counsel, shall submit to the Court (Chambers, Room 12613) an agreed-upon form of notice to be sent to potential class members. The notice shall reflect the proper scope of the potential class and shall provide for insertion by the Court of the beginning date of the class period, which will be three years prior to the date the Court approves the notice. The notice shall provide, *inter alia*, for a forty-five (45) day period during which the noticed individuals may opt in to the collective action.

4. Within five (5) days of the issuance of this Order, defendant shall produce to plaintiff a computer-readable data file containing the names, addresses and telephone numbers of all potential opt-in plaintiffs so that plaintiff may implement notice once the Court approves the form of notice.

5. At the conclusion of the notice period, the parties, through counsel, shall jointly report to the Court regarding the number of class members.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.